

2855
ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS,
DALLAS DIVISION

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED
2018 APR 24 PM 2:19
DEPUTY CLERK *CM*

Brandon Reed, Erick Green,
Yafeuh Balogun Shamsid-Deen,
Stephen Benavides, Arthur Fleming,
People's Assembly of Dallas,
Commemoration Committee To Honor
Roy Williams and Marvin E. Crenshaw,
Plaintiffs,

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Civil Action No.

v.

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~~8-18CV1032-B~~

Mike Rawlings,
In His Official Capacity as Mayor of
Dallas, and Scott Griggs, Adam
Medrano, Casey Thomas II, Dwaine
Caraway, Rickey Callahan, Omar
Navararez, Kevin Felder, Tennell Atkins,
Mark Clayton, Adam McGough, Lee
Kleinman, Sandy Greyson, Jennifer
Gates, Philip Kingston, In Their Official
Capacities as Members of the Dallas
City Council, Defendants.

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PLAINTIFF'S ORIGINAL COMPLAINT
AND APPLICATION FOR EMERGENCY INJUNCTIVE RELIEF

A. PARTIES

1. Plaintiff Brandon Reed, is a citizen Dallas County, of the State of Texas, and is a member of the Commemoration Committee to Honor Roy Williams and Marvin E. Crenshaw.
2. Plaintiff Erick Green is a citizen of Dallas County, of the State of Texas, and a member of the Commemoration Committee to Honor Roy Williams and Marvin E. Crenshaw.

3. Plaintiff Yafeuh Balogun Shamsid-Deen, is a citizen of Dallas County, and the State of Texas, and a member of the People's Assembly of Dallas.
4. Plaintiff Stephen Benavides, is a citizen Dallas County, and of the State of Texas, and a member of the People's Assembly of Dallas.
5. Plaintiff, People's Assembly of Dallas, is a community based organization that works on public policy and building economic equity in Dallas. It is based in Dallas County.
6. Plaintiff, Commemoration Committee to Honor Roy Williams and Marvin E. Crenshaw, is a community organization actively working to rename Marilla St. to M. E. Crenshaw Blvd.
7. Defendant, Mike Rawlings, is an officer of the City of Dallas and is being sued in his official capacity, He may be served by serving the Office of the Mayor. Fed. R. Civ. P. 4(j)(2)(A)
8. Defendant, Scott Griggs, is an officer of the City of Dallas and is being sued in his official capacity He may be served by serving the Office of the City Council. Fed. R. Civ. P. 4(j)(2)(A).
9. Defendant, Adam Medrano, is an officer of the City of Dallas and is being sued in his official capacity He may be served by serving the Office of the City Council. Fed. R. Civ. P. 4(j)(2)(A).
10. Defendant, Casey Thomas, II, is an officer of the City of Dallas and is being sued in his official capacity He may be served by serving the Office of the City Council. Fed. R. Civ. P. 4(j)(2)(A).
11. Defendant, Dwaine Caraway, is an officer of the City of Dallas and is being sued in his official capacity He may be served by serving the Office of the City Council. Fed. R. Civ. P. 4(j)(2)(A).
12. Defendant, Rickey D. Callahan, is an officer of the City of Dallas and is being sued in his official capacity He may be served by serving the Office of the City Council. Fed. R. Civ. P. 4(j)(2)(A).

13. Defendant, Omar Narvaez, is an officer of the City of Dallas and is being sued in his official capacity He may be served by serving the Office of the City Council. Fed. R. Civ. P. 4(j)(2)(A).
14. Defendant, Kevin Felder, is an officer of the City of Dallas and is being sued in his official capacity He may be served by serving the Office of the City Council. Fed. R. Civ. P. 4(j)(2)(A).
15. Defendant, Tennell Atkins, is an officer of the City of Dallas and is being sued in his official capacity He may be served by serving the Office of the City Council. Fed. R. Civ. P. 4(j)(2)(A).
16. Defendant, Mark Clayton, is an officer of the City of Dallas and is being sued in his official capacity He may be served by serving the Office of the City Council. Fed. R. Civ. P. 4(j)(2)(A).
17. Defendant, Adam McGough, is an officer of the City of Dallas and is being sued in his official capacity He may be served by serving the Office of the City Council. Fed. R. Civ. P. 4(j)(2)(A).
18. Defendant, Lee Kleinman, is an officer of the City of Dallas and is being sued in his official capacity He may be served by serving the Office of the City Council. Fed. R. Civ. P. 4(j)(2)(A).
19. Defendant, Sandy Grayson, is an officer of the City of Dallas and is being sued in his official capacity He may be served by serving the Office of the City Council. Fed. R. Civ. P. 4(j)(2)(A).
20. Defendant, Jennifer S. Gates, is an officer of the City of Dallas and is being sued in his official capacity He may be served by serving the Office of the City Council. Fed. R. Civ. P. 4(j)(2)(A).
21. Defendant, Philip T. Kingston, is an officer of the City of Dallas and is being sued in his official capacity He may be served by serving the Office of the City Council. Fed. R. Civ. P. 4(j)(2)(A).

B. JURISDICTION

22. The Court has jurisdiction over the lawsuit, because the suit arises under Amendments I and XIV, Sec. 1, of the U.S. Constitution. “Congress shall make no law... abridging the freedom of speech...Nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” 28 U.S.C. § 1331. *Gunn v Minton*, 133 S. Ct. 1059, 1064 (2013); *Exxon Mobil Corp. v. Allapattah Servs.*, 545 U.S. 546, 552 (2005)

C. VENUE

23. Venue is proper in this district under 28 U. S. C. § 1391(B)(2), because all of the events or omissions giving rise to this claim occurred in this district and because all of the property at issue is located in the district. Street names with a Confederate origin are located in this district, and defendants actions occurred and will occur in this district.

D. FACTUAL BACKGROUND

24. Marilla Street was named by Confederate Chaplain William Ceiton Young (“Young”), a prominent 19th and 20th century minister and neo-Confederate in Dallas, for his mother Marilla Ingram Young.¹

25. Young became a minister in 1849 of Methodist Episcopal Church South, the pro-slavery half of the Methodist church when the denomination broke up over slavery before the Civil War.²

26. In 1865 during the Civil War Young was assigned as a Missionary Chaplain to General W. L. Cabell’s (“Cabell”) Arkansas Confederate unit. After the Civil War ended, Young moved to Dallas, where he worked closely with Cabell on various anti-Reconstruction efforts.

27. Cabell committed numerous war crimes at during the 1864 Battle of Poison Springs in Arkansas. It was so notorious that African American Union regiments had a battle cry, “Remember Poison Springs”. After the battle the 29th Texas Cavalry execution squads, led by Cabell, roamed the battlefield murdering wounded African American soldiers chanting “Where

¹ <https://texashistory.unt.edu/ark:/67531/metaph20932/m1/959/?q=ingram%20young>

² The Southern Methodist Church and the Proslavery Argument, Lewis M. Purifoy, *The Journal of Southern History*, Vol. 32, No. 3 (Aug., 1966), pp. 325-341

is the First Kansas N***** now? All cut up to pieces and gone to hell.”³ Some were scalped. The captured Union wagons were used in a contest to crush “n***** heads” under the wheels.⁴

28. Young was a member of the Sterling Price Camp No. 31 of the United Confederate Veterans and records show he was actively involved between 1894 and 1917 as leading member.⁵

29. The Sterling Price Camp was intimately involved in the erection of the Confederate War Memorial, currently being considered for removal by the Dallas City Council, whose dedication speeches stated that its purpose was to establish the Confederacy as a heroic self-sacrifice for states’ rights ideology, which would be employed to prevent any civil rights legislation to protect African Americans.⁶

30. The construction of Dallas City Hall on Marilla St. was completed in December 1977.

31. The Mayor’s Task Force on Confederate Monuments was created on August 18, 2017, and was charged with making recommendations on the Robert E. Lee and the Confederate Soldier Confederate Monument, Fair Park art, streets with Confederate names, places with Confederate names, Robert E. Lee Park, and the Confederate Cemetery.

32. On October 17, 2017, The Mayor’s Task Force on Confederate Monuments issued street name recommendations seeking to change streets named after a Confederate leader and/or general, who made a significant contribution to the Confederacy, including specifically Gano, Lee, Cabell, Stonewall, and Beauregard streets. The renaming of these streets are to be accomplished on a priority basis within 90 days.

33. The Commemoration Committee to Honor Roy Williams and Marvin E. Crenshaw (“The Committee”) was formed on February 1, 2018 to rename Marilla St. to M.E. Crenshaw Blvd, in order to recognize his contributions in expanding voting rights of all minorities in Dallas, and the creation of the 14-1 City Council system in Dallas.

34. Through historical research the Committee discovered that Marilla St. was named in honor of Dallas Confederate leader Young’s mother, Marilla Ingram Young.

35. On April 11, 2018 during a Dallas City Council meeting, the Committee’s research and public testimony was delivered to all Dallas City Council members and the Mayor, detailing

³ Stockley, Grif, “Ruled by Race: Black/White Relations in Arkansas from Slavery to the Present,” Univ. of Arkansas Press, 2009, page 53

⁴ <https://www.dallasnews.com/opinion/commentary/2017/09/22/cabell-elementary-needs-new-name-right-away>

⁵ Dallas Morning News, Sept. 14, 1894, page 8, in a short notice. “Sterling Price Camp.”

⁶ <https://legacy.lib.utexas.edu/taro/dalpub/08708/dpub-08708.html>

Young's history as a Confederate leader, specifically highlighting that Dallas City Hall is now located on Marilla St., and advocating for the change of Marilla St. to M. E. Crenshaw Blvd.

36. Between the formation of the Committee, and the date of this complaint, the Committee has, and continues to engage in political and community organizing throughout Dallas at the expense of its members time and financial resources. Those efforts include gathering petition signatures at public and private events, presenting at religious institutions, speaking before the Dallas City Council, and meeting and discussing matters with appointed and elected officials.

37. Tomorrow, April 25, 2018 at 9 a.m., the Dallas City Council will convene to consider the prohibition of renaming of streets linked to the Confederacy.

38. On April 25, 2018 at 9 a.m under agenda item No. 34(2), the Dallas City Council is considering the prohibition of renaming streets in Dallas named after Confederate Generals and/or leaders.

http://dallascityhall.com/government/Council%20Meeting%20Documents/agenda_042518.pdf

39. The April 25, 2018 Dallas City Council Agenda Resolution proposed under agenda item No. 34(2), does not specify whether only streets listed in the Mayor's Taskforce of Confederate Monuments Taskforce will be protected by the proposed resolution, or if all Confederate streets throughout the City of Dallas that fulfill the description provided, will also be prohibited from being renamed.

40. Tomorrow, April 25, 2018 at 9 a.m under agenda item No. 60, the Dallas City Council will convene to consider a public hearing to receive comments regarding a proposal to change the [street] name of Unnamed FN3, approximately 1,500 feet east of Coit Road between President George Bush Turnpike and Frankford Road to "Highland Springs Way"

41. The Dallas Development Code Art. IX, Thoroughfares, Section(s) 51A-9.300-9.308 provides a uniform process for changing a street name in Dallas.

<http://www.dallascityattorney.com/51/ARTICLE%20IX.pdf>

42. The street name change process is included under the Dallas' Thoroughfare Ordinance, which requires a public hearing and notice be given to property owners for any proposed amendments.

http://dallascityhall.com/departments/transportation/DCH%20Documents/Transportation_Planning/pdf/ThoroughfarePlan.pdf

43. Dallas Development Code Art. IX, Chapter 51A-9.304(c)(1), states that “Historic street names may not be changed.” http://dallas-tx.elaws.us/code/coor_appsid838427_ch51a_artix_d51a-9.300_sec51a-9.304

44. None of the streets listed by the Mayor’s Taskforce on Confederate Monuments, nor other streets, including Marilla St., whom fulfill the description provided by the Taskforce, have been subject to the process required to grant historic street status.

CAUSES OF ACTION

1. VIOLATION OF FIRST AMENDMENT RIGHT TO FREE SPEECH BY USE OF CONTENT BASED PRIOR RESTRAINT

45. Article 1, Section 8, of the Texas Constitution and the First Amendment of the U. S. Constitution prohibits the abridgement of freedom of speech. In *Texas v. Johnson* (1984), the Supreme Court of the United States held that the public burning of the American flag at a political protest was a criminal act that:

“Expression may not be prohibited on the basis that an audience that takes serious offense to the expression may disturb the peace, since the Government cannot assume that every expression of a provocative idea will incite a riot, ubut must look to the actual circumstances surrounding the expression...The Government may not prohibit the verbal or nonverbal expression of an idea merely because society finds the offensive or disagreeable....”

46. The State can have no interest in determining the message, or referent of political symbols. By naming the streets, in honor of oppressors of a large segment of the population, and the Plaintiff’s in particular, and then by attempting to pass an ordinance prohibiting renaming, the City Government is engaging in actions that cause harm to the named Plaintiffs, and individuals, who have to repeat such speech.

47. If passed the resolution acts as **content based unconstitutional prior restraint on free speech**. The resolution, which is widely expected to pass⁷, chills the Plaintiffs political speech by disallowing any meaningful participation in the established process to rename a street. Omission of such rights is tantamount to official oppression, as the African American litigants have to speak and participate in a city which officially honors their historical oppressors.

48. The Committee, which consists of primarily African Americans and individually named plaintiffs, who are primarily African Americans, all have spent sufficient amount of time,

⁷ <http://www.dallasobserver.com/content/printView/10590794>

monies, and sweat equity in organizing the issue of street name change. Their efforts are distinct from the general public because the general public has not spent the time or resources in organizing around the issue of renaming Marilla St. to M. E. Crenshaw Blvd, which makes the Plaintiff's injury and the future injury, distinct and particularized from the general public. *Bray v. Fenves*, No. 06-15-00075-CV, 2016 WL 3083539 (Tex. App.—Texarkana Mar. 24, 2016,

49. Prohibiting renaming of Confederate streets is not government speech. *Monumental Task Comm., Inc. v. Foxx*, 157 F. Supp. 3d 573, 594 (E.D. La. 2016), *aff'd*, 678 F. App'x 250 (5th Cir. 2017). The government is not taking down or putting up a monument/street, and Plaintiffs are not asking them to do either. Rather, Plaintiffs are engaging in an established political process, which includes real individual and organizational political activity. By prohibiting the renaming of confederate streets the government is not exercising government speech, it is abridging the Plaintiff's. Creating a protected class of streets for Confederate Generals/Leaders is not government speech. The streets were not constructed with the intent to convey a thought or instill a feeling by those who see them. The location and geographic significance of the streets are minimal, with the exception of Marilla St.

50. Marilla St. was not included in the Mayor's Taskforce on Confederate Monuments recommendations, and only became public knowledge that it was a Confederate street when the Committee presented the fact to the Dallas City Council on April 11, 2018. There is no mention of historic significance of any confederate streets in Dallas on the city's website.

COUNT 2. VIOLATION OF DUE PROCESS RIGHTS

51. Renaming streets falls under the Dallas Thoroughfare Chapter, which *mandates* public hearing and notice before any amendment can be made to the Ordinance.⁸ No public hearing specifically focused on prohibiting the renaming of confederate streets has occurred, in violation of the City of Dallas' Rules of Procedure.

"The Plan serves a number of functions. It is the blueprint that established terminology, standards, and general principles, and guides decision making FOR ALL ASPECTS of roadway planning, funding, construction, reconstruction, operation, and maintenance." Creating a protected class of streets falls under at least the operation and maintenance portion of this definition of the plan provided by the Thoroughfare Plan.

⁸http://dallascityhall.com/departments/transportation/DCH%20Documents/Transportation_Planning/pdf/ThoroughfarePlan.pdf

52. Plaintiff's Due process claim is based on their liberty interest by denying their ability to engage in a well established uniform process for renaming streets. The City has no justifiable reason to ignore or violate its own well-established procedure for renaming streets. They have set this matter for a vote on Wednesday April 25, 2018.

COUNT 3. VIOLATION OF EQUAL PROTECTION OF LAW

53. The City of Dallas clearly seems to be treating similarly situated people, i.e. the residents of the City of Dallas, differently, based on the street names they wish to have changed, or named. This is obvious from the fact that the same day the council is voting on agenda item #60, which is to hold a hearing to name a street, it is at the same time voting on #34 to prohibit the renaming of confederate streets. This is clearly an equal protection violation, as it discriminates between the residents with equal rights, based on the change they wish to affect.

COUNT 4: REQUEST FOR PRELIMINARY AND PERMANENT INJUNCTION

54. In determining whether to grant or deny a preliminary injunction, the Court applies a four part test: (1) a substantial likelihood that plaintiff will prevail on the merits; (2) a substantial threat that plaintiff will suffer irreparable injury if the injunction is not granted; (3) that the threatened injury to plaintiff outweighs the threatened harm the injunction may do to the defendant; and (4) that granting the preliminary injunction will not disserve the public interest. *Canal Authority of State of Florida v. Callaway*, 489 F.2d 567, 572 (5th Cir. 1974). "A preliminary injunction is an extraordinary remedy and should be granted only if the movant has clearly carried the burden of persuasion with respect to all four factors." *Allied Marketing Group, Inc. v. CDL Marketing, Inc.*, 878 F.2d 806, 809 (5th Cir. 1989) (citing *Mississippi Power & Light v. United Gas Pipe Line*, 760 F.2d 618, 621 (5th Cir. 1985); *Apple Barrel Productions, Inc. v. Beard*, 730 F.2d 384, 389 (5th Cir. 1984)).

55. Failure of the movant to establish any one of the four factors defeats the right to injunction. See *Rohoe, Inc. v. Marque*, 902 F.2d 356 (5th Cir. 1990). "[E]ven if the varying strengths and weaknesses of each of the four preliminary injunction factors may cross-compensate, this relationship has limits; the movant still must always 'present a prima facie case.'" *Monumental Task Comm., Inc. v. Chao*, 678 F. App'x 250, 252 n.1 (5th Cir. 2017) (quoting *Daniels Health Scis., L.L.C. v. Vascular Health Scis., L.L.C.*, 710 F.3d 579, 582 (5th Cir. 2013)). "Such a showing is required, because 'it is inequitable to temporarily enjoin a party from undertaking activity which [that party] has a clear right to pursue.'" *Id.* (quoting *Texas v. Seatrain Int'l, S. A.*, 518 F.2d 175, 180 (5th Cir. 1975)). "We find that concern particularly

heightened when a federal court is asked to interfere with a state political sub-division's activity." Id.

A. Plaintiff's have established that they have standing as African Americans and as members of a committee, also as residents of Dallas County and the City of Dallas they have a right to bring this action in order to force the City Council to follow the City's rules and procedures.

B. Irreparable harm is imminent, due to the fact that if the city bars the renaming of the streets connected to the confederate figures, In a vote set for Wednesday April 25, 2018, the Plaintiff's will not be able to continue their mission to rectify the past mistakes of the city, and will have to suffer the consequences of constant reminders of the the awful and murderous legacy of the past, and will have to participate in a city scheme which forces them to take names of the streets that is clearly offensive and oppressive to them specifically.

Furthermore, the prior restraint on their free speech, and by the loss of time and money, spent to date in changing Marilla St., is being potentially sabotaged with a vote being taken in violation of the city's own well settled rules and procedures.

C. The injury to Plaintiffs is more permanent, as their First amendment rights will be chilled, due to the actions and they will continue to suffer harm by being forced to participate in scheme of city street names that is directly offensive to their rights, and amounts to official oppression. The City on the other hand will not be affected by any delay in their taking this vote.

Furthermore, this preliminary injunction will serve the public, as majority of the people in the city of Dallas, want rules and procedures to be followed by their elected officials, wish to participate in public hearings on important issues of the times-- and do not wish their first amendment rights to be violated.

E. JURY DEMAND

56. Plaintiff respectfully demands a trial by jury and will tender the appropriate fee.


F. PRAYER

57. For these reasons, Plaintiff asks that the court issue citations for Defendants to appear and answer, and issue a preliminary injunction, keeping the Defendants from holding a vote on this particular item tomorrow at Wednesday April 25, 2018, and set the matter for a permanent injunction hearing that Plaintiff be awarded a judgment against Defendant, for the following:

- a. Actual damages;
- b. Exemplary damages;
- c. Attorneys' fees and expenses;
- d. Court costs;
- e. Prejudgment and post-judgment interest;
- f. Temporary and permanent injunctive relief as requested herein; and
- g. All other relief to which Plaintiff may be entitled at law or in equity.

RESPECTFULLY SUBMITTED

Dated: April 24, 2018


s/Shayan Elahi

Shayan Elahi, Esq.
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Las Colinas, TX 75039
Telephone No: (407)-902-5282
Facsimile No: (888) 633-8920
shayan@elahilawfirm.com

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APR 24 2018

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

CLERK U.S. DISTRICT COURT

I. (a) PLAINTIFFS

BRANDON BEED, ERIC GREEN, Yefou Shamsi-Deen, STEPHEN BERNANDES

(b) County of Residence of First Listed Plaintiff PALAC (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

SHAYAN ELATI, ESQ. 6565 N. MACARTHUR BLVD. STE 225 75039

DEFENDANTS

MIKE RALPH, ADAM MEDRANO, CASEY THOMAS, OMAR NAVARREZ et al.

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

0-18CV1032-B

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☒ 1 ☐ 2 Incorporated or Principal Place of Business In This State
- Citizen of Another State ☐ 2 ☐ 2 Incorporated and Principal Place of Business In Another State
- Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 4 ☐ 4

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Death <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

FIRST AMEND/PRISON RESTRAINT/ EQUAL PROTECTION/ DUE PROCESS.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

4/24/18

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE